

Issuance Date: December 1, 2005
Effective Date: December 10, 2005
Expiration Date: December 10, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. **WA-000104-0**

State of Washington
DEPARTMENT OF ECOLOGY

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

hereby authorizes

ABITIBI CONSOLIDATED SALES CORPORATION

4302 Chambers Creek Road
Steilacoom, Washington 98388-1528

Facility Location:
Steilacoom, Washington
Water Body I.D. No.:
05-12-09 and 0512-07

Receiving Water:
Puget Sound and Chambers Creek
Discharge Location:
Latitude: 47° 11' 08" N
Longitude: 122° 35' 05" W

Industry Type:
Thermo-mechanical and de-inking pulp and
paper mill

to discharge in accordance with the special and general conditions which follow.

Merley F. McCall
Industrial Section Manager
Solid Waste & Financial program
Washington State Department of Ecology

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Footnotes: Special submittals or reports are required only after mill resumes operations,
and some reports must be submitted within 60 days of such start-up date.

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S1.F	New Priority Pollutant Scan analysis and Renewal Permit Application after start-up	1/permit cycle	Within 180 days after start-up
S3.A	Discharge Monitoring Report	Monthly	
S3.E	Noncompliance Notification	As necessary	
S4.B	Reporting Bypasses	As necessary	
S5.C	Solid Waste Control Plan	1/permit cycle	Within last year of permit. See Footnote (1)
S6	Outfall Evaluation	1/permit cycle	Within last year of permit. See Footnote (1)
S7	Update Treatment System Operating Plan	As necessary	Within 12 months of start-up
S8.	Spill Control Plan	1/permit cycle, updates submitted as necessary	Within 12 months of start-up
S8.A	Acute Toxicity Effluent Characterization with Permit Renewal Application	2/permit cycle	Within last year of permit. See Footnote (1)
S9.A	Chronic Toxicity Effluent Characterization with Permit Renewal Application	2/permit cycle	Within last year of permit. See Footnote (1)
S10.A	Sediment Sampling and Analysis Plan	1/permit cycle	Within 12 months of startup
S10.A	Sediment Chemistry Analyses	1/permit cycle	Within 24 months after Sediment Sampling and Analysis Plan
S13	Solids Removal and Liner integrity report	Prior to startup and 4 th year of permit	4 th year of permit
G7.	Application for Permit Renewal	1/permit cycle	180 days before permit expiration

Footnotes:

- (1) Special submittals or reports are required only after mill resumes operations, or within 60 days of such start-up date.

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges

Tier 1:

The mill is in non-production status. For over three years, effluent flow is approximately 3.6 % of normal. This flow composes of storm water and various fresh water sources. In this period BOD and TSS discharges are substantially lower than the permit limits, 0.05% and 0.1%, respectively. The Department requires the following effluent monitoring until such time production may resume. This is in accordance with the provisions of RCW 90.48.260 and RCW 90.48.160.

Parameter	Units	Effluent Limitations: Outfall # 001		Monitoring Frequency	Sample Type
		Average Monthly	Daily Maximum		
Biochemical Oxygen Demand	lbs/day	5,100	9,600	1/Month	24 hr comp.
Total Suspended Solids	lbs/day	8,300	15,600	1/Month	24 hr comp.
pH	within the range of 6.0 - 9.0			1/Month	Continuous
Flow ^d	MGD	--	--	1/Month	Continuous
Temperature ^d	°F	--	--	1/Month	Grab
Production ^d	tons/day	--	--	1/Month	Air Dry Tons
Fecal Coliforms ^{dc}	# / 100 ml	--	--	Quarterly	Grab

^cTested with MPN procedure, Standard Methods 9221C. The test must be performed at a dilution that will give valid number.

^dThere are no limitations for these parameters. Information collected shall be reported in monthly DMR.

Tier 2:

The following interim requirements of this tier applies at the time the permittee resumes production until Ecology establishes new necessary limitations and monitoring schedules for the discharge resulted from new information submitted in a new renewal permit application as required in Section S.1.G. The permittee shall notify the Ecology 90 days prior to the reactivation of the production process. All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. The discharge of any pollutant not specifically authorized by this permit in concentrations which violate receiving water quality standards established under section 307(a) of the Clean Water Act or Chapter 173-201A WAC, shall also be a violation of this permit and the Clean Water Act.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge Outfall 001 at the permitted location subject to complying with the following limitations:

Parameter	Units	Effluent Limitations: Outfall # 001		Monitoring Frequency	Sample Type
		Average Monthly ^a	Daily ^b Maximum		
Biochemical Oxygen Demand	lbs/day	5,100	9,600	Daily	24 hr comp.
Total Suspended Solids	lbs/day	8,300	15,600	Daily	24 hr comp.
pH	within the range of 6.0 - 9.0			Continuous	Continuous
Flow ^d	MGD	--	--	Continuous	Continuous
Temperature ^d	°F	--	--	Once Daily	Grab
Production ^d	tons/day	--	--	Daily	Air Dry Tons
Fecal Coliforms ^{dc}	# / 100 ml	--	--	Quarterly	Grab

^aThe average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

^bThe maximum daily effluent limitation is defined as the highest allowable daily discharge.

^cTested with MPN procedure, Standard Methods 9221C. The test must be performed at a dilution that will give valid number.

^dThere are no limitations for these parameters. Information collected shall be reported in monthly DMR.

B. Mixing Zone Descriptions

The Permittee is authorized to discharge within the mixing zone for Outfall 001, which is defined as follows: (1) the chronic mixing zone shall not extend in any horizontal direction from the diffuser for the distance greater than 200 feet plus the depth of water over the diffuser as measured during mean lower low water of 25 feet. The chronic mixing zone is thus extended 225 feet horizontally in all directions from the diffuser section of Outfall 001 and includes the complete water depth, and (2) the acute mixing zone where acute shall extend 23 feet in all directions from the diffuser section of Outfall 001. The acute dilution is 27 to 1 and chronic dilution is 152 to 1 afforded by the above dilution zone configuration.

C. Water Filter Plant and Backwash

From the issuance date of this permit the permittee is authorized to discharge the filter plant backwash water into Chambers Creek with the following Best Management Plan as described below:

1. Chemical treatment will not be used at the filter plant prior to discharge.
2. TSS from the filter plant backwash shall not exceed 50 mg/L in concentration for a weekly average.
3. TSS from the filter plant backwash shall be monitored 3 times per week on a 24 hour composite basis and results included in the monthly report.

A Priority Pollutant Scan shall be performed on a representative composite sample of the filter plant backwash discharge to demonstrate compliance with water quality regulations. The results of this analysis shall be submitted to the Department of Ecology with the permit renewal application.

D. Well Water Overflow And Stormwater

From the issuance date of this permit the permittee is authorized to discharge non-process storm water from outfalls 003 and 004 to Garrison Creek and to discharge fresh water supply overflows from outfalls 007 through 011 to Garrison Creek. The permittee shall continue to implement and follow the best management plan (BMP) developed in the previous permit including operational, treatment and source control as well as erosion and sediment element of the plan. The permittee shall evaluate whether measures to reduce pollutant loading identified in the BMP are adequate and properly implemented in accordance with the Stormwater Prevention Planning for Industrial Facilities.

E. Sanitary Wastewater

During the period beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge sanitary wastewater to the city of Steilacoom's sewer system.

F. Priority Pollutant Scan

After start-up but no later than 180 days, the permittee shall submit a new permit application with the updated effluent pollutant scan data. See Condition G.4 of General Conditions, which requires the permittee to submit a new permit application submittal and engineering plan and report if there is a change in process.

The test method and detection levels will be in accordance with the recommendations in the latest version of the Department of Ecology's Permit Writer Manual. Testing will be done during normal operations and flow regime.

S2. MONITORING REQUIREMENTS

A. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA),

unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

B. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

C. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. The report(s) shall be sent to the Department of Ecology, Industrial Section, PO Box 46700, Olympia, Washington 98509.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE

Tier 1:

This section is suspended due to non-production status as said in section S.1. Certain parts of the treatment system may be by-passed as no beneficial effect is attained from their use during the shutdown.

Tier 2:

The following requirements of this tier will apply at the time the permittee resumes production. The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. *Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.*

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. *Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.*

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal

periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

- c. The Department is properly notified of the bypass as required in condition S3E of this permit.

3. *Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.*

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

B. Non-routine and unanticipated discharges

Beginning on the effective date of this permit, the Permittee may discharge non-routine wastewater on a case-by-case basis if approved by the Department. Prior to any such discharge, the Permittee shall contact the Department and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.
 - a. Any alternatives to the discharge, such as reuse, storage, or recycling of the water about to be discharged.
 - b. The total volume of water expected to be discharged.
 - c. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Permittee's discharge. The analysis shall also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by the Department. All discharges must comply with the effluent limitations as established in Condition S1. of this permit, water quality standards, sediment management standards, and any other limitations imposed by the Department.
 - d. The date of proposed discharge and the rate at which the water will be discharged in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
2. The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

Comment: The permit writer should specify any other known or suspected pollutants here.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge of sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. SOLID WASTE DISPOSAL

Tier 1:

This section is suspended due to non-production status as said in section S.1.

Tier 2:

The following requirements of this tier will apply at the time the permittee resumes production.

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit a solid waste control plan to the Department within the last year of the permit. This report shall be required only after the mill resumes operations. The Permittee shall maintain on site a solid waste control plan. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan shall not be at variance with any approved local solid waste management plan. The Permittee shall comply with the plan and any modifications thereof. The Permittee shall update the solid waste control plan every five years.

S6. OUTFALL EVALUATION

Tier 1:

This section is suspended due to non-production status as said in section S.1.

Tier 2:

The following requirements of this tier will apply at the time the permittee resumes production. The Permittee shall inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function within the last year of permit. If conditions allow for a photographic verification, it shall be included in the report. The inspection report shall be submitted to the Department within 180 calendar days prior to the permit expiration date.

S7. TREATMENT SYSTEM OPERATING PLAN

Tier 1:

This section is suspended due to non-production status as said in section S.1. Use and updating the treatment system operating plan shall not be required during the mill's shutdown.

Tier 2:

The following requirement of this tier applies at the time the permittee resumes production. Wastewater treatment systems shall be operated according to procedures and criteria described in an operating plan. This plan shall be updated and maintained on site within 12 months of resuming operations. The plan shall include, but is not limited to, the following:

A baseline operating condition that describes the operating parameters and procedures used to meet the effluent limitations of Special condition S1 at the production levels used in developing these limitations.

In the event of production levels that are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.

A description of any regularly scheduled maintenance or repair activities at the permitted facilities which would affect the volume or character of the wastes discharged; a list including quantities and chemical compositions of any maintenance-related substances (such as cleaners, degreasers, solvents, etc.) that will be discharged, and a plan for monitoring and treating/controlling the discharge of maintenance-related materials.

This plan shall be updated to include requirements for any major modifications of the treatment system.

S8. SPILL PLAN

Tier 1:

This section is suspended due to non-production status as said in section S.1. Chronic and acute testing shall not be required during the mill's shutdown.

Tier 2:

The following requirement of this tier applies at the time the permittee resumes production. The Permittee shall maintain on site the spill control plan for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching state's waters. The Permittee shall review and update the Spill Plan, as needed or at least annually. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall include the following:

- A description of the reporting system used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by Chapter 173-303 WAC may be submitted.

S8. ACUTE TOXICITY

A. Testing Requirements

The Permittee shall test the final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. The two species listed below shall be used on each sample and the results submitted to the Department as a part of the permit renewal application process. The Permittee shall conduct acute toxicity testing on a series of five concentrations of effluent and a control in order to be able to determine appropriate point estimates and the no observed effect concentration (NOEC). The percent survival in 100% effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)
2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F).

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A and the Department Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include a 3.7 % dilution, that is, at the acute critical effluent concentration (ACEC).
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S9. CHRONIC TOXICITY

A. Testing Requirements

The Permittee shall test the final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All of the chronic toxicity tests listed below shall be conducted on each sample. The results of this chronic toxicity testing shall be submitted to the Department as a part of the permit renewal application process. The Permittee shall conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control in order to be able to determine appropriate point estimates and the NOEC. This series of dilutions shall include the acute critical effluent concentration (ACEC). The ACEC equals 3.7% effluent. The Permittee shall compare the ACEC to the control, using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001. Chronic toxicity tests shall be conducted with the following species and the most recent version of the following protocols:

Saltwater Chronic Toxicity Test Species		Method
Mysid shrimp	<i>Holmesimysis costata</i> or <i>Mysidopsis bahia</i>	EPA/600/R-95/136 or EPA/600/4-91/003
Pacific oyster/ Mussel	<i>Crassostrea gigas</i> / <i>Mytilus sp.</i>	EPA/600/R-95/136

The Permittee shall use the West Coast fish (topsmelt, *Atherinops affinis*) and mysid (*Holmesimysis costata*) for toxicity testing unless the lab cannot obtain a sufficient quantity of a West Coast species in good condition in which case the East Coast fish (silverside minnow, *Menidia beryllina*) or mysid (*Mysidopsis bahia*) may be substituted.

The Pacific oyster and mussel tests shall be run in accordance with EPA/600/R-95/136 and the bivalve development test conditions in the Department Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof. The laboratory shall use one of the two species that will give a valid result in each particular test.

The sea urchin and sand dollar (echinoderm) test shall be run in accordance with EPA/600/R-95/136 and the echinoderm fertilization test conditions in the Department Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof. The laboratory shall use whichever one of the two species that will give a valid result in each particular test.

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the chronic critical effluent concentration (CCEC). The CCEC is equal to 0.66 % sample. The ACEC and CCEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.
8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S10. SEDIMENT MONITORING

Tier 1:

This section is suspended due to non-production status as said in section S.1. Sediment monitoring shall not be required during the mill's shutdown.

Tier 2:

The following requirement of this tier applies at the time the permittee resumes production. The permittee shall submit to the Department for review and approval a Sediment Sampling and Analysis Plan for baseline sediment monitoring within 12 months of resuming operations. The purpose of the plan is to characterize sediment quality in the vicinity of the Permittee's discharge locations.

Following Department approval of the Sediment Sampling and Analysis Plan, sediments will be collected and analyzed. The Permittee shall submit a Sediment Data Report containing the results of the sediment sampling and analysis no later than 12 months after Department approval of sediment sampling and analysis plan or within 3 years after permit issuance to the Department.

A. Sediment Sampling and Analysis Plan

1. The permittee shall submit a Sediment Sampling and Analysis Plan following the guidance provided in the Sediment Source Control Standards User Manual, Appendix B: Sediment Sampling and Analysis Plan Appendix (Ecology, 2003).
2. The Sediment Sampling and Analysis Plan shall include between 9 and 18 stations in the vicinity of the discharge. The sample stations shall be located at the acute zone boundary on either side of the diffuser and off the end of the diffuser, 100 feet north and south of the diffuser and off the end of the diffuser, and at the north and south edges of the mixing zone and at the edge of the mixing zone off the end of the diffuser. A reference sediment station must also be collected. Collection of an ambient sediment station is optional.

B. Sediment Data Report

1. The Permittee shall submit a Sediment Data Report conforming with the approved Sampling and Analysis Plan and the guidance provided in the Sediment Source Control Standards User Manual, Appendix B: Sediment Sampling and Analysis Plan Appendix (Ecology, 2003). The report shall be submitted to the Department within 24 months after the Sediment Sampling and Analysis Plan completed as required in S.10.A.1.

S11. EFFLUENT STUDY FOR CYANIDE

After the production resumes and operation reaches steady state conditions, but no later than 180 days from startup, the permittee shall monitor for weak and dissociable cyanide in the process wastewater effluent in outfall 001 one time per week for ten (10) weeks. The permittee shall submit the data to the Department within 12 months after resuming operations. The laboratory procedure shall comply with the requirement of S2.A, Monitoring requirements, in the permit.

S12. BEST MANAGEMENT PLAN FOR ZINC

After the production resumes and operation reaches steady state conditions but no later than 180 days from startup, the permittee shall investigate where zinc is being introduced into the mill's wastewater and determine methods to reduce the concentration of zinc being introduced into the wastewater effluent. From this study the permittee shall develop a best management plan to control the introduction of zinc into the wastewater effluent. The permittee shall report the results of these determinations to the Department by 60 days after steady state operations and normal flow regime.

S13. AERATED BASIN LINER-- INTEGRITY TESTING AND SOLID BUILDUP

Tier 1:

During the shutdown, the aeration lagoon shall not be used to store/treat any process water, sewage, except stormwater. Stormwater will be allowed to discharge through effluent piping prior to the monitoring station identified as discharge to outfall 001.

Tier 2:

Prior to re-utilizing the aeration pond as a water/effluent storage/treatment facility, an updated evaluation report shall be prepared, including an engineering proposal for solids removal and repair/replacement of the liner to assure the function and integrity for the proposed use, and an updated/revised Operation and Maintenance Plan. Such reports and engineering proposals and plans shall be submitted to Ecology for review, with any requirements being completed prior to re-utilization or as per an agreed compliance schedule.

Evaluations and reports as to liner integrity and solids build-up shall be completed

within one year prior to future permit renewal applications and be included as a deliverable to Ecology with the renewal application.

S14. PRIORITY POLLUTANT ANALYSIS

The Permittee shall perform a priority pollutant scan for its wastewater effluent at outfall 001 after production resumes no later than 180 after start-up. The test method and detection levels will be in accordance with the recommendations in the latest version of the Department of Ecology's Permit Writer Manual. Testing will be done during normal operations and flow regime.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2 must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF ENTRY AND INSPECTION

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by the Department of Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include

noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S5 of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 1. One hundred micrograms per liter (100 µg/l).
 2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 4. The level established by the Director in accordance with 40 CFR 122.44(f).

- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
1. Five hundred micrograms per liter (500µg/L).
 2. One milligram per liter (1 mg/L).
 3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 4. The level established by the Director in accordance with 40 CFR 122.44(f).

G25. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.